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# LEAGUE OF NATIONS

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SPEECH

OF

HON. P. J. McCUMBER

OF NORTH DAKOTA

IN THE

SENATE OF THE UNITED STATES

JUNE 18, 1919



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1919

124390—19542

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ARE EUROPEAN QUARRELS OF NO CONCERN TO THE UNITED STATES?

Mr. McCUMBER. Mr. President, the very first question that challenges our attention in the matter of a league of nations is the question of whether a war in Europe is a matter of concern to the United States. The ultraopponents of any league of nations assert that European quarrels and European battles are no concern of ours. If that be true, we may well pause before obligating ourselves to make them our concern. Is it true?

Mr. President, on the 28th day of June, 1914, in one of the most insignificant countries of Europe, a country so small that its exact location at that time was scarcely known by the American people, a man and his wife were murdered by a little band of political assassins. Had this murder been committed upon an ordinary family it would not have been considered of sufficient importance to have justified the expense of a cablegram to this country. But as the victims of these misled malefactors were of the Hapsburg family, the world was notified of the occurrence. Had anyone then suggested that this act might bring on a great world war, his mental balance would have been questioned. The world was to be civilized in the year 1914 to permit the destruction of millions of innocent men because one man stabbed or shot another to death. Austria would demand that the criminals be brought to justice and that demand would be acceded to by Serbia. If it were not agreed to, Austria would send an armed force into Serbia and compel not only the execution of the criminals but an apology to the Austrian Nation. And even if it did bring on a war between Austria and Serbia, we need not concern ourselves about it. Let those discordant Balkan States settle their own scores with each other; America had nothing to do with their quarrels.

Well, Mr. President, that murder has already cost the lives of more than 50,000 young American boys, and so it did become our concern. We can not look upon their fresh-made graves, scarce yet softened by nature's verdant shroud, without yielding our belief that it was no concern of ours.

That murder has cost us about \$40,000,000,000 up to the present time, and before we are through \$100,000,000,000 will have been paid out by the American people. Is a conflict in Europe which compels us to load that enormous debt upon the American people for a century a conflict which does not concern us? Our Civil War cost us only about five or six billions of dollars, or

only about one-eighth of the cost of one year of this war. Is it no concern of ours that there shall be left at the close of this conflict the possibility, yes, the probability, that another worse war shall blacken the earth?

About 8,000,000 boys, the best boys of the great white race, were killed in battle or died of wounds. Close to 20,000,000 boys of the same blood have died because of this war. Of course only a very small proportion of them were our boys; but they were boys with the same ambitions, the same lofty hopes and aspirations, and in whom the love of life was equally strong—boys with mothers like the mothers of our boys—their hopes, their ambitions, their lofty aspirations all buried with their mangled bodies. And yet I hear Senators still say this is no concern of ours. Twenty million young girls of this generation, the best young girls in the world, deprived of their God-given right to reign queen of heart and home, must now go down to their graves husbandless, homeless, childless.

But, say the advocates of American isolation, this is no concern of ours. We are big enough to take care of ourselves. Let other nations do the same. We do not want to be brought into European squabbles.

Says the Senator from California [Mr. JOHNSON], speaking of these European countries:

We do not need them as partners. They require us. They yield to us nothing. They can yield to us nothing. We give to them everything. We can protect our borders for centuries to come just as we have in the centuries past. The Lord has given us geographical isolation and the Lord has denied just that thing to the different races of Europe.

And he might have added, "And so the Lord be praised."

What do we get out of it? asks the Senator from California.

Do we ask ourselves that question in the thousands of acts of generosity by which we gladden the lives of others? If the Senator does not ask himself that question, and I know he does not, then why does he insist that his Nation, which he loves better than himself, should ask it? If the question means, What are we to get out of it from a financial or a territorial standpoint, I freely admit that we do not need the assistance of any power on earth to protect our rights. I admit that we are so much more powerful than any other single nation to-day, so secure in our vast territorial expanse, in our geographical position, and in our material resources that we are practically immune from assault. But are we thereby relieved from any duty toward the rest of the world, or does that immunity impose upon us a greater duty toward those who are not so protected as we are? What is the true American answer? There can be but one answer: The God of international justice, by His special favors, has given to us in territorial extent, in that splendid isolation, in our vast resources, in our mighty population, has by His very law of compensation imposed upon us a greater duty than upon the less fortunate people of the world to shield the weak and to compel international right.

Mr. President, there is no moral duty incumbent upon any man in his relation to his fellow man that is not equally incumbent upon a nation in its relation to every other nation. Does any man deny that proposition? What would you say of the strong, vigorous man who would stand by while another strong

man was beating a weak child to death, and idly remark, "It is no concern of mine; it is not my child." What would you say of a strong, vigorous swimmer who would stand on the shore and see a woman struggling in the waves that would soon be her death, reaching her white arms and crying for help, while he folding his muscular arms announces: "Oh, that is no concern of mine, she is not my wife or daughter." Mr. President, this doctrine of "no concern of ours" is a shameful and monstrous doctrine from every standpoint of national morality.

"Oh," but say the opponents of the league of nations, "we can make up our minds what to do when the occasion arises." Well, Mr. President, what I want us to do is to be right there on the spot, with the contractual right in our hand when the occasion arises. Had the United States been right on the spot with an agreement signed by us and signed by Germany, that Germany would not make war on France or any other country without submitting to a league of nations the question of the righteousness of her cause, the world would have been spared this awful conflagration with its consequent miseries which can never be forgotten or forgiven. You know and I know that so long as the present conception of international right continues, the conception that sovereignty has no bounds or limitations, we will not interfere unless some right of ours is attacked. What we want to-day is an international law on this subject, a law that will declare that war by one nation is a matter of concern to every other nation, and that no unjust war shall be waged by any nation. Now, that is just exactly what this league of nations does.

So, Mr. President, all this prating about what we will do in the future is worse than idle talk. We will do in the future just what we have done in the past under a like conception of sovereign rights. If there is no league of nations, the present world understanding that a war waged by one great power to annihilate another is not an assault upon other nations of the world, and that no other nation is bound to take up the cause of the weaker, will continue to prevail. You talk about our entering this war for the cause of a great world principle. The man who makes that assertion knows that he falsifies the record.

He knows that we never uttered one word about our entrance into the war being for the cause of humanity. We based our right of action solely upon the ground that by the acts of Germany she had made war upon us. Of course, when we got into the war we were naturally fighting the cause of humanity. But it was not the cause of humanity which brought us into it. Now, I want to put ourselves in such a position that we shall never feel it necessary to reiterate that falsehood in order to place ourselves right before our own people or the world. I want this country to be in a position where she can assert without any equivocation, "This is our mutual agreement, signed by all of us, that no one of us will wage a war of conquest, and that we will act together to prevent the murder of millions of innocent human beings for the selfish ends of any one nation." I want this country to be in a position that it can say "Under the letter of this bond and for the defense of this principle we command you to halt your armies, and to maintain that principle we will

consecrate the blood of our men, the tears of our women, and every resource of our Nation."

We knew all along just what Germany had in mind; we knew the course of instruction which had been given to her people from every possible source, that her destiny lay in the conquest and destruction of her neighbors. We knew her scheme of Mitteleuropa. We knew her purpose of world domination. We knew that she intended to destroy Belgium and annex the most valuable portions of France as the first step toward the accomplishment of her world-domination idea, and that was the time that we should have called the halt. But we did not have the right under international law or under any agreement to demand that she refrain from that hellish purpose. Had we had the agreement proposed in this league of nations, then, standing upon our contractual rights, we would have called her to account, and Germany would have desisted and the world would have been saved from these awful wrongs and sufferings. We do not want this country or any other country or the world to again be placed in such a position of shameful impotency.

And why, I ask you, do you boast of our fighting this war for the sake of humanity and for the higher principles of international justice, while in the same breath you declare against any obligation that shall bind us, in connection with other great nations of the world, to prevent such war of injustice and wrong? Is a war to prevent the accomplishment of an international felony right, but an agreement to prevent the initiation of the felonious purpose wrong? Let us at least attempt consistency.

Mr. President, the one regrettable thing to-day is that this war was carried on so far from us that we saw but little of its horrors, that we got into it so late that we suffered but little, comparatively, of its sacrifices, and that our people knew so little of the destitution in its wake. The closest estimate places the number of soldiers who were killed or died of wounds from the beginning of the war to November 11, 1918, at nearly 8,000,000, and there have been more people killed in Russia since Russia's surrender to Bolshevism and German machinations than there were of Russian troops killed in the war. I think it safe to say as a fair estimate, if we include with the soldiers the civilian populations that were killed or starved to death or whose death was directly attributable to this war, that up to the present time the war has caused the death of more than 20,000,000 persons.

I wish it were possible for each of us to realize the sufferings of one dying soldier, to see the stroke and hear the thud as a rifle butt beats to a mass the head of a poor wounded boy, to view the agonizing gasps of a drowning man, to watch as the last breath passes the tender lips of a famished child. Then I wish it were possible to comprehend the multiplication of those things twenty million times over. We would then realize this war. It is well that there is a limit to our power to realize horrors, else the whole world would die of anguish. I wish we could look upon the army of millions upon millions of armless, legless, eyeless men who will suffer the agony of wounds all the balance of their lives. I wish we could fully realize for one moment the awful grief of a mother whose brave boy went down to a watery grave in defense of his country. He

suffered but once, but his death agony is repeated again and again every day of the life of this devoted mother. Multiply that by the number of all the mothers whose sons died in this conflict and we get even then only a slight conception of all the suffering this war has caused.

Mr. President, if we could do this, nothing on earth would prevent us from demanding immediately a combination of all the peoples of the world to prevent a repetition of this war.

I can not understand how any man whose heart throbs for the woes and cares of humanity, whose mind is capable of grasping the awful misery inflicted by this most ungodly conflict, can fail to labor with all his power, with all his heart and influence, to shield poor humanity from another such awful crime.

And again when I come to the present cost of this war to the principal nations engaged in it, I find that it aggregates little less than \$200,000,000,000. It is an awful debt to load upon these impoverished countries. And yet with interest and pensions and other obligations, that two hundred billions will probably be increased to two thousand billions before the debt is wiped out and the last pension paid.

Senators, is such an impoverishment of the world as that no concern of ours?

In making this estimate of the cost of the war, we might yet add at least twenty-five billions for property destroyed. The British Empire lost in value of ships and shipping alone more than \$4,500,000,000. The Allies alone lost 404 warships with a displacement of 1,364,000 tons. The enemy lost 216 warships with a displacement of 518,000 tons.

The Allies and neutrals lost in merchant tonnage 15,027,718 gross tons, of which Great Britain alone lost 8,889,659 tons. The tonnage lost to the world was 15,336,922 gross tons. Norway, a neutral country, a seafaring nation, the livelihood of whose people is gained in great part by braving the waves of the ocean, lost of her merchant marine 1,177,000 gross tons. She lost more tonnage than any country engaged in the war except Great Britain. Norway had committed no offense against Germany, and yet she was made to suffer in this war a greater loss in merchant marine than any belligerent except Great Britain. Is a war which results in such loss to a neutral friendly nation of no concern to us?

But you say we can continue a peaceful policy with the world, without binding ourselves to act in any particular way. Yes; that is exactly what we were saying for years prior to 1914, and especially prior to 1917. But we found that the world was not so large that we could escape being drawn into the vortex of a European conflagration. And while we scarcely got into the real conflict before its close, while not more than a quarter of a million American soldiers were on the actual battle line at any one time, it is safe to say that this war has cost the United States not less than \$40,000,000,000. And before the principal and interest and pensions have been fully met, it is a conservative estimate that we shall have expended not less than \$100,000,000,000. Have you contemplated what that means to us?

Mr. President, one of the most beautiful structures in the United States is our Public Library Building, facing Capitol

Square. That building cost about \$6,000,000, less than one-third the cost of a modern battleship. That beautiful structure, gladdening the hearts of millions of people, may last as long as the earth lasts. The battleship will become obsolete in 10 years. With just what money this single year of war will have cost us we could build in the United States 17,000 of these buildings, 350 of them in each State in the Union, one in each city, town, and village. With this sum we could purchase all the flour at prewar prices and population, the American people, would consume in 154 years. The cost of one year of this war would pay all the expenses necessary to relieve all the distress, hunger, or sickness of all the people for a hundred years. It would save the lives annually of more than 100,000 invalids afflicted with the great white plague who are too poor to change their location or secure the rest necessary for their convalescence. The expenses of the four years of this great war could change this old world from a dingy workshop into a paradise for a whole century. Are European wars of no concern to us?

No, Mr. President, these premises are wrong. They are our concern; and if there is any one great duty resting upon this country at the close of this sanguinary struggle, if that struggle has made one thing in the world clear and definite, it is the commanding duty of this country, the country most able to prevent war and without whose assistance such prevention is impossible, to take the lead in this great world movement for the settlement of international disputes by peaceful means.

Mr. President, there was speaking in this country some little time ago a gentleman by the name of Philip Gibbs, who had spent four years at the front. On the 7th of March, 1919, he published in the New York Times an article which ought to be read by every American statesman. He admits in that article that the United States could get along without calling upon Europe for assistance. But Europe—the innocent people of Europe, the peaceful people of Europe, the people who do not wish to injure their fellow men, and whose aims are noble and ideal—need the United States to protect them against a repetition of this awful tragedy. I want to read a few excerpts from that article. He says:

But what the American people I have met do not understand, what it is difficult for them to understand, is the patient yearning of great masses of people for American aid in liberating them from the repetition of horrors through which they have passed in agony.

That, Mr. President, is Europe's call to America. Shall the call go unanswered? Are we to reply that this is no concern of ours? Are we to ask, as have some Senators asked, what are we to get out of this?

Again, he says:

Among the soldiers of the French Army, as well as among those of the British Army, there was from the beginning a sense of despair that civilization itself should have been dragged down to such depths of degradation in the filth of the battle fields, with their wholesale slaughter of youth and of life's beauty and decency. Their hatred of the Germans, who were the direct cause of this, did not blind them to the large truth that the whole structure and philosophy of Europe had been damnably guilty, and that if it had been different, not even the Germans would or could have let those devils loose upon the boyhood of the nations and upon women and children.

Mr. President, do we join them in this indictment? No man dare question the truth of the statement. Are we willing, then,

to remedy the wrong by shouldering the responsibility, not necessarily for our preservation, but in the name of God and humanity; shoulder it for the preservation of the innocent, suffering peoples of Europe? I say the true American heart, uninfluenced by false or misleading criticisms, will ever answer, "Yes."

Again, he says:

Over and over again in the early days, French officers and men said to me with a thrill of passion in their voices, "If I thought this thing would ever happen again I would strangle my child in its cradle to save it from such tortures." This was said to me not once nor dozens of times nor scores of times, by bloody and bandaged men, but hundreds of times. It was the common, general, passionate thought. And hundreds of times on the British front, in trenches and in dugouts, and in officers' messes our own men spoke to me in a similar line of thought. Deeper than their hatred of the enemy who had brought this thing upon them, was their hatred of statesmen and politicians and men of wealth and learning who had failed to foresee the horrors ahead and who had gone on in the foolish old way supporting balances of power, framing secret alliances, influencing national hatreds and rivalries, and maintaining the old philosophy of material force to hold and to grab. Young English officers of good family argued passionately in the face of death that all our social structure was wrong, and that there was no hope for humanity for which they were going to die—they knew that—unless some new relationship between nations could be established giving at least some postponement and respite to the spasms of slaughter between periods of so-called peace, which were but a preparation for a new massacre of youth.

And I say candidly, Senators, that you may defeat this treaty, this league of nations; you may scatter abroad criticisms that are unjust or baseless; you may appeal to a national pride and to the selfish side of our natures and thereby destroy at this time the hope that has been in the heart of every thinking, feeling, loving human being for centuries that the time would come when the same law which governs the rights of individuals would be applied to shield the lives of nations. But as surely as this is defeated and the world suffers another such calamity, deeper than the hatred of the enemy will be the hatred toward the statesmen of the world who have failed in this great opportunity to league together to shield poor, innocent human beings from such sufferings and calamities as have been visited upon them because there was no law to check a great, powerful nation from criminal aggression.

Again, Mr. Gibbs says:

That conviction has not been killed by victory. It is in the hearts of the living as it was in the souls of the dead, and I write of what I know. It is in the hearts of the multitudes of women who gave their first born—sometimes their second and third and fourth—to the devouring monster of war. It is hot in the brains of millions of workers who watch the politicians of the world with increasing hatred and distrust because of their failure to avert the frightful catastrophe, and they are tinkering now with problems which must be handled largely with an unshrinking courage in order to make the world clean of the foul outrage against civilized ideals on these corpse-strewn fields in France.

You may eliminate it from the hearts of these people by unjust and false interpretation, but if you do so, in my candid judgment, you are committing a grievous wrong against the best impulses of the best people in the world, including our own:

Again, he speaks in prophetic words when he says:

America has the supreme chance of any power in the world to-day, because she is looked upon by the peoples of Europe as a fair, unselfish, and democratic arbitrator, aloof from their rivalries and untainted by the disease which infected their civilization.



Quoting again:

It was the thoughts of men who fought and suffered that which will form the motive power behind the league of nations. There were certain elementary thoughts in the minds of those men. They saw before them the long stretches of chalked German trenches and behind those trenches was the enemy. They knew it was that enemy that had brought this thing to pass and that unless they killed the Germans the Germans would kill them. These men knew that unless they smashed the German front Germany would smash England and France. These men asked why had this thing come to pass. They wanted to know the meaning of it all. Why, they asked, are men with centuries of civilization behind them thrown into these filthy, vermin-infested holes? Why is everything that life holds most sacred destroyed? Why did this thing happen in the twentieth century, so long after Christ?

It happened, Mr. President, because the great nations of the world had never adopted as a code of international law that no nation had a right to destroy another nation, to seize its domains or murder its people. Infinitely worse than that, the right to commit such crimes has been recognized from time immemorial as a right incident to sovereignty which no other country could dispute, so long as its interest was not directly jeopardized. That is why every nation for a hundred years has stood idly by while Turkish soldiers have massacred hundreds of thousands of defenseless Armenians. The nations have simply followed the policy so ardently proclaimed by Senators, that while they regret such atrocities, really it is not their national concern. That is why, Mr. President, with full cognizance of Germany's purpose, with full knowledge of the atrocities committed by command of her officers, we never raised a hand to stay her until she had murdered our own people. Nay, further, not until she had shaken the mailed fist in our face and sworn that she would continue to kill our people wherever found upon the high seas.

And it may be further answered that this thing will continue to happen until this principle is written into international law by all the nations and the honor of each and all pledged to uphold it with whatever force may be necessary.

Again says this writer:

Now, these men, those who survive, are going back to England and to Canada. And they are thinking more positively and more silently than they did on the battle field. I know that in England and in France these thoughts are setting among the people of these nations and these thoughts are being talked from man to man, and what I say applies not only to our side but it is also what is happening on the German side.

I admit that the sentiment for a world league is not as strong in this country, because few, comparatively, of our vast population ever saw even one battle field. Slight, in comparison with our population, were our losses. Other countries bathed in blood, starved and emaciated, their cities full of cripples—armless, legless, sightless men are calling to us whose wounds were slight to help them to rescue themselves from national hatreds and jealousies which too many regard as elements of patriotism. Shall we in the arrogance of our power and self-sufficiency turn a deaf ear to their entreaties?

#### HOW PURPOSES OF LEAGUE EFFECTUATED.

Mr. President, after contemplating these horrors of war, after placing in the balance on the one side whatever of cupidity and purely selfish considerations we may be possessed of, and on the other side our humanitarian impulses; after eliminating the

hatreds we may have against one foreign nation and partiality for some other foreign nation; after eliminating all political advantages to be gained by playing upon race or hyphenated American prejudices; after concluding to forego tall twisting either for our own edification or the edification of others, after concluding that this country has a higher and nobler destiny than mere material gains, higher and nobler aspirations than mere national prowess, and having finally concluded that this, the greatest Nation of the earth in population, wealth, and resources has by virtue of her transcendent position incurred a moral responsibility toward the weaker and less favorably situated countries of the world and ought, therefore, to exercise her mighty influence and power for the preservation of peace, the settlement of international disputes by peaceful means, guided by right and justice—ought to help save the people of the world from another such awful calamity as they have just passed through, we are brought face to face with this question: By what character of agreement between nations can we best secure this result? Of course, not one of us would have written this covenant just as it has come to us, either in its original or revised form. Some of us would have inserted additional and explanatory clauses and definitions and some of us would have opposed any kind of agreement whatsoever for the preservation of peace. And, I might add, another class would not have accepted any agreement unless it gave to this country special advantages over every other nation of the world.

But, Mr. President, this covenant represents the deliberations of nations, some very important, some very small and weak. It deals with complex situations in Europe, both as to races and boundaries. It comes to us as a compromise compact, which all of these great nations believe will accomplish the purpose of preventing any stupendous world war in the future. To secure the support of this country special concessions have been given to us. Our Monroe doctrine, which has never been acquiesced in by any European power except Great Britain, is by this instrument given a world sanction.

It seems to me that we are now put to the test as to whether our boast of special humanitarian impulses is but the braggadocio mouthings of an insincere people or the deep heart conviction of a Christian nation.

I think none of us will claim that the instrument clearly and definitely conveys its purposes. But that it is susceptible of the construction many opponents have given it, and to the criticism based upon such construction, I most emphatically deny. During my 20 years as a Member of this body I recall but one or two instances in which an instrument has been so viciously and unjustifiably assailed.

Allegations have been made and published to the people of this country concerning the powers granted to the council or assembly provided for in this instrument and the dangers to this country that are as false to the context and the true meaning of the instrument as could possibly be imagined. It is my purpose to analyze several sections of this compact, so far as it relates to the league for permanent peace, and to present its meaning in a spirit of absolute fairness, and with the hope that I may be able to both simplify and clarify its meaning.

In the condemnatory discussions certain terms in the instrument have been so employed by speakers as to confuse and mislead. The term "league of nations" is frequently used synonymously with "council" or with "assembly," or with both. The words "league of nations" are but descriptive of the organization. It is the mere name. The powers and duties of the organization are exercised by and through two separate bodies, composed in the council of the representatives of nine leading nations and in the assembly of representatives of all nations entering into the compact.

The members of the league are the several nations of the world who join in its organization and such others as may thereafter be admitted to it. The following nations are included in the present league: United States of America, British Empire, France, Italy, Japan, Belgium, Greece, Canada, Australia, South Africa, New Zealand, India, Roumania, Serbia—all of said nations being directly involved in the war on the part of the Allies; also Czechoslovakia and Poland, newly created countries, and Siam, China, Cuba, Guatemala, Haiti, Hedjaz, Honduras, Uruguay, Bolivia, and Brazil all of which, as I remember, declared war against the Central Powers, but took no further action. This inclusion seemed necessary, because, foregoing special advantages they might have reaped as neutrals, these countries chose to declare themselves in a state of war against our enemies as evidence of their belief in the justice of our cause; and all would, therefore, necessarily join in the treaty of peace.

In addition to these several States, the following neutrals have by the instrument itself been invited to become members of the league, namely: Argentina, Chile, Colombia, Denmark, Netherlands, Norway, Paraguay, Persia, Salvador, Spain, Sweden, Switzerland, and Venezuela. These constitute all the important States of the world, except the enemy States and Russia. As soon as stable governments are established in Germany, Austria, and other enemy countries, as well as in Russia, and whenever any of these countries shall give effective guaranties of their intention to observe their international obligations, they will be admitted to full fellowship under the provisions of article I.

I am free to say that I would hesitate a long time before voting for any league of nations which should leave Germany outside its domains. If Germany shall sincerely relinquish her doctrine of world conquest and her pretended right to rob or destroy her neighbor, she should be made a party to this world compact. This covenant should not be so drawn or arranged as to compel other nations to unite and thus divide the world into hostile camps. So if Russia shall have the ability to emerge from her present chaos and take on the responsibilities of government, she, too, should be invited into this bond of national fellowship.

Proceeding on the assumption that we really and sincerely wish to avoid any great war in the future, and that we really believe what we say, assuming that we are willing to do our part to accomplish such an understanding—and in my opinion the mere pledge of this Government in conjunction with the other European States would produce this result, and we should never be required to enlist a single soldier or fire a single gun to assure such peaceful settlement—let us proceed to analyze

the instrument for the purpose of determining, first, whether the adoption of its provisions would accomplish the purposes sought; second, whether any of its provisions would operate to the injury of the United States.

#### CONSTRUCTION OF PROVISIONS.

Mr. President, the spirit of sympathy or hostility, which more or less influences every mind, very often leads us into strained constructions to meet such sentiments. If we set out to search for faults, we are apt to look only for words or sentences or assumptions to support our purposes.

Admitting, as I do, that I sincerely wish for the adoption of such a covenant, I shall nevertheless try to give to the proposed instrument its true and natural construction.

The first and most important rule in the construction of any law, contract, or document is that it shall be so construed as to effectuate its purposes; and when those purposes are declared in the instrument itself, we must accept the declaration made in the instrument and not substitute our own views as to what might have been the purpose of the makers of the instruments.

While to my mind the preamble is somewhat vague and clumsy, I do not think anyone will question that the following are the purposes which it intends to convey:

1. International cooperation to achieve international peace and security.
2. The acceptance of obligations not to resort to war to settle international disputes.
3. To prescribe what are just and honorable relations between nations. We have not done so heretofore.
4. To establish the understanding of international law as a rule of conduct among governments. We have never had such an understanding heretofore.
5. To maintain a just and scrupulous respect for all treaty obligations.

The second, third, fourth, and fifth declared purposes are all to subserve the first great purpose—the achievement and maintenance of international peace and security.

Is not every one of these purposes most laudable, most honorable, most devoutly to be prayed for?

One of the necessary things to be agreed upon is to establish the understanding of international laws as a rule of conduct among governments. About the only international law we now have is a set of rules generally acquiesced in by warring nations, governing the action of belligerents and neutrals when war is on. What the world has been needing for thousands of years has been not a code governing war but an international code which should define the duties and relations of nations in their intercourse with and relations to each other in times of peace, and thereby make war practically impossible. There is an international understanding or law which recognizes and limits the right of blockade, the seizure of ships and cargoes of neutral vessels when war is on, a rule that no belligerent shall sink the merchant ship of a neutral without warning, and that the question of whether the ship or cargo is subject to confiscation shall be determined by a prize court. But there is not now, and there never has been, a rule of international law that prohibits any nation from making a war of conquest against a

weaker nation or committing any character of atrocity or brutality against such weaker nation. When Germany declared war against France and Belgium, when she initiated this war for the purpose of robbing her weaker neighbors she was guilty of no breach of international law. To-day, so far as international law is concerned, any nation can commit any act of atrocity or brutality against any other nation without laying itself open to the charge of general international misconduct. There is nothing to-day in any international law which makes it the duty of the honorable nations of the world to prevent the most heinous offenses committed by any dishonorable nation. The time has now arrived for the world to declare that a war by one or more nations for conquest and plunder and wrong of any kind is a breach of international law against every other nation of the world and a cause for war against the offending nation, and the only way to make that an international law is for the nations to agree that it is a world concern, and the only way to make it a living precept is for the nations of the world to agree that they will enforce it. That is just what this league agreement does. It is a simple proposition. Those who wish war, those who are less concerned about international right and justice than they are about personal interest or political advantage would naturally be against a proposition of this kind. Those who have the capacity to realize the horrors of this war and the conscience to wish to defend the world from another ought to be earnest advocates of some constructive plan to bring about the result. If this is not the best plan, formulate and present a better one, which will stand a chance of adoption by all the leading nations of the world.

Had the world powers had such an agreement in July, 1914, with this Nation as a signatory power, does anyone for an instant believe that Germany would have made this war? Mr. President, the haughty sword of Wilhelm would never have been drawn, not a soldier would have had to be raised for world defense, not a life would have been sacrificed, and not a dollar of debt piled up for future generations to pay. The fact that we had no such world agreement made this damnable war possible. If we now refuse to join other nations in such a compact, the responsibility for another such damnable war will rest upon us.

#### UNFAIR CRITICISM (ART. 10).

Mr. President, in connection with the processes by which these purposes are to be accomplished, let us examine into the code of international ethics on which these nations agree in their relations with each other. Considering them in relative importance rather than in the order in which they may appear in the text, they are:

1. The members of the league agree to respect \* \* \* the territorial integrity of every other member of the league. (Art. 10.)

We hear talk of eliminating this provision. Mr. President, the right to live as a nation is inseparable from the right to occupy exclusively a definite area of God's green earth. Agreement to respect this right is the very foundation of any agreement to maintain international peace. The structure of international peace must necessarily be bottomed on the maintenance of this inviolable right of territory.

2. The members of the league undertake to preserve the territorial integrity only against external aggression.

This, again, is as it should be. A community of landowners, where there is no other law to appeal to for the protection of individual right, may most properly unite to protect the land of each and every one against the avariciously inclined of any one or more of them. As to what the owner of any tract of land may do concerning his own, how he may divide his acreage among his children, the community has nothing to do. But it has the right to say that no one shall take the land of his neighbor by force. So, if the people of Russia wish to divide their territory into three or more separate countries, that is their concern. The league has nothing to do with her internal broils or divisions. All the league can do and all it ought to do is to say to every other country, "Hands off."

I can understand, and do understand, how the Pan-Germanists, having sought to despoil France of her territory and having failed, are now looking forward to the conquest of Poland and Russia, and how such Pan-Germanists view with earnest disapproval this world doctrine of "hands off"; but I can not see how any intelligent man, capable of realizing what Pan-Germanism has inflicted upon the innocent people of the world, can oppose this doctrine of territorial sanctity.

It has been asserted and reasserted in all the false attacks on this instrument that the United States would be compelled to help Great Britain preserve her domains against her own internal revolutions or rebellions. Oh, Mr. President, nothing could be more false. India, Canada, Australia, Ireland, and Scotland, or any other British possession or integral part of the Empire, may assert and maintain its independence, and we are in no way, under this instrument, compelled to come to the assistance of the mother country. It is only against "external aggression" that the league assures its protection. If the league were once to admit that an outside country might interfere to assist any integral part of the Government to secure its independence, the league would be absolutely helpless, because, admitting such a right, any propaganda could stir up an insurrection, and, on the theory of assistance, inaugurate a war of aggression. German propaganda would find ample opportunity to stir up insurrection on her own eastern border, or even in Alsace and Lorraine, and begin again the struggle for world dominion.

The claim reiterated again and again by those who oppose a league of nations that this country could be called upon to bolster up distintegrating countries is so clearly false that I can scarcely understand how anyone having any regard for fairness could possibly make it. That there might be no possible misunderstanding as to the scope of the obligation imposed; that there might be no possible claim that the league must guarantee the boundaries of a nation changed by revolution or secession or internal dissension, the conferees carefully limited the protection which should be accorded each State to a defense against external aggression, thereby clearly negating any claim that any country could be called upon to defend another if it failed to so conduct itself toward every other section of its domain as to retain the loyalty of the people of such section. Such a claim is an appeal to national animosities and not an appeal to either reason or right.

"But," say our antagonists, "you purpose to maintain the life of decaying nations, and thereby stay all progress in the world." I deny it. We recognize that the immutable law of disintegration, which brings the feebleness of age and final dissolution of the body, must operate upon nations as upon individuals. We permit men to die of old age in this country, but we make a law against murdering them. Section 10 permits any country to disintegrate from any internal cause; it simply makes international murder an international crime. There is, and can be, no argument either against the righteousness of this principle or the duty of right-minded nations to maintain it.

3. The members of the league undertake to preserve the political independence of all members of the league.

Of course, Mr. President, the protection of the territorial integrity would be of no avail to a nation if its political independence were destroyed. Its people could be exploited and enslaved and the incitement to so exploit and enslave would be all the greater if the State should be vassal while the territory remained foreign to the superior power.

4. The members of the league agree to the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

Mr. President, one of the greatest burdens imposed upon the peoples of the world has been that of maintaining means of defense against each other. Prior to this war three-fourths of all the revenues of the great nations were raised for the purpose of war or defense against war. After the close of this war nine-tenths of all the taxes and immensely increased taxes will be required for the payment of interest on war debts, a sinking fund to take care of the principal, and to maintain armies and navies to watch each other.

If we would only stop to contemplate how everlastingly ridiculous would be the position of each citizen if to-day one-half of all his work and energy were required in the manufacture of implements and weapons, in building barriers to defend himself against his neighbor—how ridiculous would be our condition if every man were filled with apprehension and with certain knowledge that every other person was more or less jealous of him and was at perfect liberty to take his life and property, we should then better realize the like ridiculous position of continuing these same relations among nations.

Mr. President, thousands of years ago, in the gradual, progressive enlightenment of humanity, there came a day when the right, theretofore conceded to the strong, to murder his fellow being, to seize his property, to enslave his children, began to be questioned by the little communities, began to be considered a matter of concern to all of them, and so the people got together and said to the stronger man, the man who could swing the bigger club: "While you may be more powerful than any one of us, you are not more powerful than all of us, and we have concluded to inaugurate a new community code which shall protect the weak from the strong. We therefore command you to lay down that club and submit your difference with your neighbors to the judgment of good men who shall be selected by the community, and if you refuse to do so we will compel you to do so." Naturally this stronger man said: "That is an interference with my sovereign rights. If I agree to do

that, I shall be surrendering my sovereignty and shall lose my independence. While I may desist from doing those things which you consider unjust, I could not bind myself by an agreement not to do them, because I would thereby allow my neighbors to pass judgment on what I ought to do, and that would be a clear violation of my constitutional prerogatives." But he did consent and agree, just as you and I have consented and agreed to substitute a government of law for a government of brute force.

And, Mr. President, from that final decision forced upon communities by the atrocities committed by the stronger man, from that period began a system which developed into the courts of to-day, with their well-defined powers and jurisdiction, governing every individual right. All that the world has since accomplished in progress, in enlightenment, and human happiness has followed in consequence of that decision arrived at in that far-off age, that the community would henceforth protect the life and property of the weak against the strong. All that we now know of the beauty and grandeur of life on this earth has resulted from that decision which freed each individual from the necessity of expending the greater part of his life's energy in devising means to protect himself from his neighbor, when the community, acting together, responded to the slogan, "Down with the club, and long live law." Except for the establishment of that doctrine men would still be living in caves, gnawing bones, and expending the greater part of their time in making flint spears.

And by the same rule, Mr. President, and for the same reason, this old world of ours will progress in grandeur and in enlightenment and consequent happiness when the nations of the world shall adopt the slogan, "Down with might and long live right."

And yet to-day, Mr. President, the human family has been only partially emancipated from this thralldom of personal violence and crime. While the individual, with a sense of absolute immunity from personal danger, may walk among his fellowmen with all his undivided and unimpeded thought directed toward the betterment of his condition and the happiness of those dependent upon him, this is not true in any sense of people in their collective capacity. Individual murder, theft, and robbery have been abolished, but collective murder, theft, and robbery are still sanctioned by international law. You can and do punish with death the man who willfully causes the death of another, but you not only condone the crime but you even refuse to enjoin the nation which would be guilty of the willful murder of twenty millions of people and which would render defenseless and helpless another twenty-five or thirty million men, women, and children.

What a travesty on human intelligence! What a condemnation of international impotency!

And why has such a strange inconsistency between the ideals of individual justice and right and international justice and right so long existed? It is because our national selfishness so greatly exceeds our individual selfishness; because in every country there is such a fervent ambition that that country shall be able to overawe all others. We curse that propensity which in late years has been driven by systematic national education



into the German mind, while we regard it as an element of patriotism in our own national character.

And so we wave aloft the banners of sovereignty and independence as a scarecrow to frighten those who do not stop to consider that every compact or treaty between nations that has ever been adopted or ever will be adopted is just as much a surrender of our sovereignty or national independence as though the same treaty was made en bloc with all the nations in a single instrument. Whenever one nation agrees with another to do or not to do a thing which it has the right to decline to do or to do, it does not thereby surrender its sovereignty or its independence, but it agrees in honor that it will not exercise its sovereign authority on the subject covered by the agreement during the life of the compact without the consent of the other party to that compact; and, Mr. President, the other party to the contract withholds the exercise of its sovereign power exactly in the same manner.

If a nation stood upon its dignity and its right to exercise its judgment whenever it saw fit, it not only would never enter into any treaty agreement but at all times would, if a powerful country, be a menace to the peace of the world. In all the arguments against a league of nations we hear of the powers which we surrender but not a word of the powers surrendered by every other nation of the world—and all surrendered or held in abeyance for the grandest purpose that ever challenged the attention of nations.

Mr. President, why do we spend many hundreds of millions yearly for our Army and Navy? We do so because other nations do the same thing. And they do so because of their fear of us and of each other. And so, prior to this war, nations were following a policy of outdoing each other in armaments that meant ultimate bankruptcy for the weaker; and the statesmen of each nation were proclaiming the doctrine that being prepared for war was an assurance of peace. And so we were all preparing for war, and we have had this awful illustration of the fallacy of such a doctrine. There were many of us who were not statesmen, of course, who insisted that a general preparation for war by all the great nations was an assurance that war would result sooner or later. Naturally, we all know that if one nation is prepared and the other great nation is not prepared, the weaker is always in danger of a threatened attack by the stronger. But it is far more certain that if no nation were prepared for an extensive aggressive war there would be universal peace. Long before the time any nation could prepare for hostility against another the world would learn which was right and which was wrong, the sense of justice would prevail, and war would be avoided.

So, Mr. President, the conference was unquestionably right when it declared in article 8:

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

Mr. President, when this matter was before us at the last session this provision was viciously attacked by those who oppose a league of nations on the ground that it allows Europe, whose interests might be antagonistic to our own, to determine

the size of our Army and Navy, and weaken us in our ability to maintain our national policies, and especially our Monroe doctrine. As a matter of fact, in that instrument each nation must agree to the limitation, and therefore we could not be bound unless we should agree that the comparative reduction was just, and every other nation would have to agree to the same thing.

And, again, instead of this danger of a combination against us, he would be a very poor reader of European rivalries who would not understand that these nations of Europe are far more fearful and far more jealous of each other than any one of them is or ever will be of the United States. It is the near danger and not the remote danger that always awakens rivalry and enmity. Therefore, if there were any danger of national jealousies or antipathies playing any part in the scheme of disarmament, the United States would in all probability have the best of it. And in any event the United States is not deprived of the power to say that in the proposed reduction of arms the relative diminution is not just to us and refuse to accept it until it is made to conform to our idea of reductions.

It is most vital to the cause of peace that the loaded guns pointing across national boundary lines, speaking only the language of destruction and hate, should be lowered. Along the more than 3,000 miles of boundary between the United States and Canada not a fort is erected, a cannon mounted, or a war-ship afloat. Does anyone of sane mind contend that the same sentiment of trust and friendliness between these two nations would exist if bristling bayonets, glistening like the white teeth of a snarling dog, fenced that entire way? Grim cannon are not the vehicles of international fraternity.

In view of the almost hysterical attitude of the opponents of disarmament, is it not strange that no one in all our history has ever complained that when we entered into the agreement with Canada, through Great Britain, exactly the kind of agreement we now purpose to enter into with other nations, that we were giving Canada a voice in determining the size and character of our Navy or Army, that we were surrendering our sovereignty? Who to-day would reverse that policy? Who would erect along that boundary line the engines of national hate? No one but him who hates international amity and glories in international enmity.

But stress is laid upon the proposition that the constitutional right of Congress to raise and support armies and navies is limited and controlled by this partially foreign body. I have shown that Congress must adopt this plan before we become even morally bound. Every other country must do the same. It is no more binding upon us than upon every other party to this compact. But, Mr. President, it is exactly the same from every standpoint of constitutional legality and authority as any other treaty. When we entered into an agreement with Great Britain and Canada that neither would maintain war vessels on the Great Lakes or forts along the boundary we, of course, agreed to hold in abeyance during the life of that agreement a limited portion of our constitutional right to maintain armies and navies. We did not surrender the constitutional right to do so. And that is exactly true of every other treaty made. When-

ever we have submitted any matter to arbitration we have authorized some foreign citizen or ruler to say what we should do or refrain from doing; and not only that, we have agreed in advance, so far as we could bind a future Congress, which, of course, is morally only, that we would abide by his decision. We have done this from the very beginning of our national life, and it has never occurred to anyone to declare that we were thereby surrendering our independence or our sovereignty or delegating our constitutional authority. But a few years ago we submitted a controversy to a sole arbitrator, the King of Sweden and Norway. In that instance the decision of a foreign autocrat was to bind our national honor. Did that mean that our Constitution was shattered? That we had delegated the authority of Congress to the King of Sweden? No, Mr. President, it meant simply that as Congress had the sole right to say whether we would pay a claim urged against us, or would not pay it, so it had the equal right to say that we would pay the claim if, after an investigation, a chosen arbitrator should say that we should pay it, or any part of it.

The Senator from Pennsylvania, in his resolution for the separation of the league of nations provision from the peace provisions of the treaty, asserts in the preamble that some provisions of this league in effect violate the Constitution, from which I infer he means that such provision was never contemplated in the Constitution or that it is contrary to the spirit and purpose of that instrument. I feel quite certain that the Senator will never go on record as declaring that an agreement made by this country with another country, or with other countries, whereby upon the happening of a contingency agreed upon by all, the nations shall act together to effectuate the purposes of the agreement, would be violative of any provision of the Constitution.

When we entered into a treaty with Great Britain and Japan and Russia to protect the seals in the Bering Sea and off the Pribilof Islands that treaty meant to all intent and purposes that our warships would act jointly with theirs against any people or any nation that would attempt to destroy those seals. Did we thereby surrender our power to declare war or to maintain an Army and Navy? And is it possible that we can enter into such an alliance to protect the lives of a few thousand seals without violating our Constitution, but that if we make a like agreement with the nations of the world to prevent the wholesale slaughter and starvation of millions of human beings we are violating the fundamental law of the land and surrendering the independence of the country?

But, Mr. President, this provision for disarmament is far more carefully guarded than an ordinary agreement for either arbitration or for unity of action. The fourth paragraph of article 8 declares:

The council, taking account of the geographical situation of each State, shall formulate plans for such reduction for the consideration and action of the several governments.

Under this provision the council does not make or order the reduction. It simply formulates a plan for reduction. This plan is then to be submitted "for the consideration and action of the several governments." That means in this country that

Congress must act before the plan becomes binding even in honor upon us. Of course, after it is adopted by one Congress the next Congress is in honor bound to comply with it.

If it is necessary or proper to reduce armaments somebody or some commission must be selected to study the situation of the several countries and to ascertain and present what would be an equitable and proportionate reduction. The situation of each of the nations of the world differs widely from that of others. Some are great in territorial extent and small in population; some great in population and small in area; some blessed with every natural resource necessary to sustain their populations; some dependent almost wholly on imports from every other corner of the earth; some almost immune from threatened attack by reason of their isolation or geographical situation; some so vulnerable that the very lives of their people depend upon their ability to meet immediately any threatened invasion; some contiguous to hostile and greedy nations ever ready to devour them; some within zones of peace and tranquillity, and some adjacent to restless and discordant peoples whose turmoils are as threatening as an active volcano. Unwise and unjust would be any international agreement which should not take into consideration the peculiar necessities of these several nations in determining what should be a just and fair military or naval strength. And so provision is made that the council shall formulate a general plan which can only become binding when each and every nation has agreed thereto.

To-day, after one of the most sanguinary and far-reaching wars, where national life has been saved only through past preparation and the Herculean efforts of present preparation, it is most natural that no nation would dare render itself totally helpless as against even a possible failure of a peace agreement. National life is too precious to be allowed to hang by that thread alone. Time and the beneficial results of such a compact can alone banish the spirit of fear and install the spirit of trust. But each nation can and should now reduce its armament, can and should lower its threatening arm.

Mr. President, we have preached the reduction of armaments for years. Now, present to me, if you can, a better or a safer plan than that provided in this treaty, or else acknowledge frankly that we never intended to conform our acts to our declarations.

#### VOTING POWER OF GREAT BRITAIN.

But it is complained that in this league of nations Great Britain has a voting power far superior to our own, because some of her self-governing colonies are allowed a vote, not in the council, which will undoubtedly settle all of the great international questions, but in the assembly to which some international question might by some possibility be referred.

Let us first consider the fairness or unfairness of such a declaration. I have never heard, either on the floor of the Senate or in any of the addresses which have been made in opposition to this league outside of the Senate, a full, fair statement of its provisions relating to this subject. None of these opponents have told their audiences that in the council the British Empire has, in fact, but one vote.

Article 4 declares:

The council shall consist of representatives of the United States of America, of the British Empire, of France, of Italy, of Japan, together with the representatives of four other members of the league. At the meetings of the council each member of the league shall have one vote.

As at first organized, the other four shall consist of Belgium, Brazil, Greece, and Spain. Whether these other four shall be continued or whether they shall be replaced with other nations, or whether the number shall be increased—all of which must be accomplished by unanimous vote, and on all matters considered—the British Empire has but one vote.

With the approval of the majority of the assembly the council may name additional members of the league whose representatives shall always be members of the council.

Thereby they may add to the membership of the council.

But, Mr. President, let us not forget that the council can only do that by a unanimous vote. Therefore it is in the power of the United States delegates to veto any attempt to add a single other member to the council. In this council Canada has no vote, Australia has no vote, New Zealand has no vote, and none of those can become a member of the council without the consent of the United States.

But, answer the opponents of a league of nations—and especially those opponents who wish to incite a hyphenated American opposition—the disputes may be removed to the assembly, where each member of the league, including colonies, would have a vote. But that would never be done unless we ourselves should desire it. First, because it would require a unanimous vote for removal, and, second, even if it did not require such a vote, it is almost inconceivable that the wishes of the most powerful nation, the one upon which the league must principally depend for its success, would be vetoed, not by a mere majority but by each and every other member of that council. To my mind it is unthinkable. But, first, as to the requirement of a unanimous vote for removal. That paragraph admittedly lacks clearness. But, applying the first rule of construction, that effect shall be given if possible to each and every provision, the following acts are necessary to secure the removal of any matter from the council to the assembly:

1. The application must come from one of the disputants;
2. It must come within 14 days after the submission of the dispute to the council; and
3. The council may, not must or shall, then refer the dispute to the assembly. And, Mr. President, if the council has any discretion in the matter of removal, which discretion is certainly reserved by the use of the word "may," it would require unanimous vote for removal, because the removal of a dispute is not among the exceptions to the requirement for unanimous vote provided in article 5. It is only on the merits of the question under dispute that the votes of the disputants are eliminated by article 15, and the unanimous verdict of all other members is required to indicate even the judgment of the council.

To give force and effect to both clauses the word "shall," in the second clause must be construed as directory, meaning that the matter of removal shall be initiated only at the request of one of the parties, rather than mandatory, meaning that one party to the dispute could overrule the judgment of all the other

parties, a construction that would not only eliminate bodily the first clause, "the council may in any case under this article refer the dispute to the assembly," but would be grossly antagonistic to and violative of the whole spirit of the instrument requiring unanimity of action on all matters except those of procedure.

I maintain, therefore, that giving a meaning to both clauses of that paragraph, it would require a unanimous vote in order to relieve the council of its jurisdiction to consider the international dispute. Neither we nor any other nation would change the jurisdiction unless we felt perfectly justified in doing so. But even if we should take the other view and do such violence to the law of construction as to entirely destroy the clause, "The council may in any case under this article refer the dispute to the assembly," what would be the danger to us of having Canada and Australia and New Zealand and, I believe, South Africa, blood of our blood and bone of our bone—peoples of the same inheritance, the same ideals, the same aspirations; peoples between whom there is as great and close a friendship and sympathy as between them and the mother country, members of this assembly? What would we have to fear from them? Take Canada, for example. The relation between Canada and Great Britain is similar to that between a grown daughter, who has married and is maintaining her own household far from the home of the mother, toward that mother. Canada says to Great Britain, "The old affection and kindly feeling still exist, but I am mistress of my own home, and whatever I do of kindness or of loyalty must come of my own volition." No treaties made by Great Britain are binding upon Canada unless Canada acquiesces. Were Canada to set up an independent nation to-day, I do not believe for an instant that Great Britain would challenge her right to do so, though she might think it wrong or unjust. Canadians, Americans, Britishers fought side by side in this Great War, suffered and died together, and I have no fear of any combination against the interests of the Western Hemisphere in which Canada would be found siding against any just claim of the United States. Every dispute that we have ever had has been amicably settled, and I can imagine nothing worse in this world than a war between the English-speaking peoples. And what I say of Canada can be said with almost equal emphasis with reference to Australia and New Zealand.

But let us look at the matter from another standpoint—that of fairness to Canada. There are included in the present league of nations 32 separate, independent countries. Canada is the eighth in population and the first in territory. Canada has 8,361,000 population and an area of 3,729,665 square miles, a little larger than the United States. We give Hedjaz, with a population of 300,000; and Panama, with a population of 427,000; Honduras, with a population of 592,000; Uruguay, with a population of 689,000, each a vote on the great international questions that must arise in the assembly. But you say that Canada, with 8,361,000 population and with a territory thirty times as great as all these countries together, should have no separate voice. Would that be just to Canada, that self-governing country whose blood and whose wealth have been so freely expended in defense of human civilization?

You give China a vote and she has 320,000,000 population, and yet China is far more under the control of the great powers of the eastern world than is Canada under the control of Great Britain. You give black Haiti a vote, you give black Liberia a vote, you give each of these little nations of whatever color a vote. But you would deny the great, independent Commonwealth of Canada a right, not in the upper house, not in the council, but in this assembly, where the only power that will in any probability be exercised, will be the power of discussion, the right either to raise her voice or to give it an effectiveness equal to Hedjaz or Honduras or Panama. To my mind Canada has a far greater right to be heard in that assembly than any of these dozens of small nations which I have mentioned.

In addition to those 32 countries, we have invited—and they will undoubtedly accept—13 other nations, and 10 out of those 13 have a far less population than Canada.

And so I say most frankly, Mr. President, that to deny Canada, Australia, and New Zealand, whose sons suffered through four long years of this war, a voice not in the council but in the assembly, which can only be called together when some great question arises, while we give to Salvador and Paraguay and Hedjaz and Panama and 20 other such countries a full voting power in this assembly, would be so repellant to a world sense of justice that no league of nations bottomed upon such an inequitable foundation could ever fulfill its mission.

Therefore, from every principle of fairness, there should be one forum in which Canada can have a voice, Australia a voice, and New Zealand can be heard. That right has been granted, so far as the assembly is concerned, but in the higher tribunal, the permanent tribunal, which under this system will decide practically every question of international dispute, Canada and Australia, as separate entities, have no vote. Great Britain, which includes them in her empire, will have one vote, the same as the United States, the same as Belgium and Brazil and Greece—no greater power, no greater strength than the smallest nations whose representatives constitute this council.

#### DOMESTIC MATTERS NOT SUBJECT TO JURISDICTION OF LEAGUE.

Mr. President, it has been declared on this floor that under the provisions of this covenant the United States would be compelled to submit for determination the question of immigration and other domestic policies. This claim is based upon the second clause of article II, which reads:

It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or the council any circumstances whatever affecting international relations which threaten to disturb either the peace or good understanding between nations upon which peace depends.

And it is urged that as Japan or China might declare that an exclusion law by the United States would threaten to disturb the good understanding and amity between either of these countries and the United States, the question of whether such laws should remain or whether they constitute a breach of the international compact could be passed upon by the council or the assembly. There is no foundation whatever for such a claim. It is true that under the provisions of this covenant any matter which any nation claims will disturb or tend to disturb international comity and good will may be presented by any

nation to either the council or the assembly, but it is not true that either the council or the assembly has the right to pass upon or decide every question which any nation might think engendered international hostility. It is true that the door is wide open for the presentation of any circumstance affecting international relations, no matter how trivial or how foolish. And, Mr. President, it would be impossible to close this door even partially if we expect to inculcate a spirit of friendship and trust. We can not in the instrument itself differentiate between all classes of cases which might affect international amity more clearly than has been done by placing the domestic questions entirely outside the pale of international interference. This covenant guards and confines the questions which may be acted upon by either of these bodies to those questions that are not domestic in character.

The seventh paragraph of article 15 declares:

If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

What could be more clear and definite? Certainly no Senator would ask that a list of all the domestic questions should be enumerated. Their number is legion. There are, however, a large number of purely domestic questions which naturally awaken international opposition or resentment. Great Britain, being a great manufacturing country, might feel aggrieved that we erect a tariff wall against everything which she produces, while she allows the importation of everything we produce into her territory free from any tariff levy. But neither Great Britain nor any other country has ever denied our national right to do so. So China might complain of the Chinese exclusion law, a law which excludes Chinese from our country, while we enjoy perfect freedom of settlement in China. But no Chinaman, no matter how wise or ignorant, has ever questioned the fact that the subject is purely a domestic one.

Mr. President, we have 4,000 years of recorded history from which to draw our precedents to determine what subjects are clearly within the domain of sovereign or domestic powers of an independent State. It would be foolish to attempt to set them out in detail. They are evidenced by the yearly legislation turned out in thousands of tons from the legislative halls of every free and independent country. There is probably no subject in the world on which great nations would be so fully in accord as on the question of what is a domestic question and within the exclusive power of an independent State. Of course, it would be within the right of Japan to present the claim that our exclusion law was distasteful to her people, and, therefore, affected our good relations with her. But no intelligent statesman of Japan or any other country in the world would ever suggest that the exercise of such a power was not the exercise of a purely domestic right.

Mr. POMERENE. Has the Senator from North Dakota ever heard it even suggested by anyone, except those who are conjuring up objections to the league, that the subject of immigration was not a domestic question?

Mr. McCUMBER. Never in the world. It never has been, and it never will be. The right of petition is guaranteed



by our Constitution. Would any Senator claim that this sacred edifice of our national safety would be jeopardized by allowing a petition to be filed which might by a possibility ask us to do what we could not constitutionally do? Why, Mr. President, a large proportion of the thousands of petitions coming here yearly request us to pass Federal statutes that would contravene the rights reserved to the States. But we do not shut the door against them. We simply lay them aside as being without our Federal jurisdiction.

But you say that the question of whether the matter complained of is a domestic one must be decided by the council, and, therefore, an awful danger confronts us. Well, Mr. President, naturally some one must decide that question, and what better source could there be? But just remember that the verdict must receive the affirmative vote of every State represented in the council, outside the parties to the dispute, and that all the others must wickedly, contrary to and in defiance of the provisions of the compact, conspire against the United States. And to carry out such conspiracy each nation would commit an act of suicide by establishing a precedent that would compel it to surrender its own purely domestic powers to this council. To my mind it is simply unthinkable and not worthy of serious consideration. There is no danger on earth that Great Britain, or France, or the United States, or any other of the nine nations would vote a precedent which would destroy the independence of each of them.

But, on the other hand, Mr. President, there might be instances in which some irresponsible nation might claim that a matter clearly international in character was one of domestic concern only, and, therefore, not subject to consideration by either the council or the assembly, and it would not do to leave the matter in such shape that the mere claim of its being a domestic concern only could eliminate from the consideration of the council that which was unquestionably international, and hence the provision that not only the claim must be made that it is domestic but that it must be found by the council to arise out of a matter solely within the jurisdiction of one party. And, as I have suggested, if there is any one question certain and easy of solution it is the question of what is purely a domestic matter.

#### MONROE DOCTRINE.

A word about the Monroe doctrine. When opponents to the league of nations can not find support for a construction within the instrument itself, they sometimes go outside and accept some declaration from some outside source as to the meaning of a phrase. When this matter came before us in its original form it did not mention specifically the Monroe doctrine. There was no question but that the Monroe doctrine as it is generally understood by the world, namely, that no South or Central American Republic should be subject to conquest or domination by any European power, was merged into the broader world doctrine that no independent nation, whether in South America or elsewhere, should be subject to a war of conquest or domination by any other nation. What a German may say to his constituency as to his understanding of the Monroe doctrine, or what some British subject may say to his

constituency as to his idea of what the Monroe doctrine means, can have little weight with us, especially as we evidently do not always agree ourselves as to what it means. But whatever it does mean we are protected in it, and as we alone promulgated the doctrine we shall undoubtedly give it a construction in accordance with the consensus of the American view. While I deny that the Monroe doctrine ever meant anything more than is clearly included within the declaration of President Monroe, I would not have this international compact itself attempt to define it. The framers of the league of nations in the amendment have sought to meet the objections made in this country, that the Monroe doctrine was not recognized by specially recognizing it. Other nations have regional policies which such nations feel are necessary also for their own protection as we feel that the Monroe doctrine is necessary for our protection. We could not consistently ask on this side of the ocean a policy for our protection while we deny similar policies which other nations regard in Europe or Asia or Africa as necessary for their protection.

And so there was written into this new agreement these words:

Nothing in this document shall be deemed to affect the validity of international engagements such as treaty obligations or regional understandings like the Monroe doctrine for securing the maintenance of peace.

No one questions that the Monroe doctrine is an engagement on our part for securing the maintenance of peace. The document itself so declares. We, therefore, do not need to go outside the records to ascertain the opinion of anyone else as to whether the Monroe doctrine is recognized. The instrument says it is. That ought to be satisfactory to a reasonable man. Certainly Senators would not ask that it go further and define just what the Monroe doctrine may mean under every possible contingency. Let us get down to the very heart of the objection made. It is clearly indicated, though not quite specifically declared, in the address of the Senator from Pennsylvania of yesterday. He says:

Never before has the Monroe doctrine been a mere measure of spineless pacifism.

And again:

If we embody this provision in the league, the Monroe doctrine will cease to be a policy; it will become in truth a formal agreement.

And that he does not want. And again:

Its precise character, the extent, method, and time of its application, the means of compelling its observance, are all matters of our high and uncontrolled will and sovereign prerogative. We, the United States, can not answer to anyone else in any respect of it. We use it when, as, and to the extent we need it. There can be no limitation upon it except our requirements, our will, and our force of arms.

Mr. President, if that is the true construction of the Monroe doctrine—and I am not questioning that view, although I am not admitting, and I do not think that I shall ever admit, that our Monroe doctrine gives us an unlimited control over everything in this hemisphere—I will admit, so far as he claims, that what we have done in the past, what the Monroe doctrine declared to be the doctrine, is the doctrine. Then, by recognizing the Mon-

roe doctrine specifically, all nations have recognized that construction. The Senator says that it becomes an agreement—a mutual world agreement, and not an American doctrine or policy. That, Mr. President, is not a just construction of the provision. The provision says:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

When these nations thus recognize the Monroe doctrine, they recognize an American Monroe doctrine, because there is no other, and never has been any other Monroe doctrine, and therefore they are not making it a doctrine by agreement but a doctrine by acquiescence.

In the same language, you will observe, by which they recognize the Monroe doctrine, they also recognize treaties of arbitration and other understandings between nations. Would you for a moment contend that by recognizing a treaty between nations A and B by the nations C, D, and E, the latter three nations become parties to the treaty between A and B? Why, Mr. President, the subject of the treaty between A and B might have no possible application or relation to any other nation, and it would be most improper to say that by recognizing a compact between A and B, which might provide any means for its enforcement between those two nations, such contract becomes a mutual agreement between all five of these parties.

That is not the true construction. I am forced to the conclusion that what these Senators really want is not that all nations shall agree to our Monroe doctrine, but that they should not agree, so that our pride, our vanity, may be satisfied in asserting it as a policy of defiance rather than a policy in which other countries acquiesce. It is a rather strange position for a great nation to take.

I shall not at this time discuss what the Monroe doctrine does mean in all its possibilities, but I will take the time here to dissent from the view indicated at least by the Senator from Pennsylvania, that we have any right to say to a South American Republic that it shall not permit whomsoever it may see fit to accept to settle in its territory as immigrants. We have no right to say to Brazil, "You shall not allow Germans to settle in your country"; or to Argentina, "You shall not allow Chinese to enter your domains." Our Monroe doctrine does not go that far, and ought not to go that far. Whenever the conduct of any country, Germany or Japan or China, is such as to indicate that their purpose is not settlement, but is conquest or the acquirement of territory for the home country, then our right of interference is unquestionable under the Monroe doctrine.

I agree that the Monroe doctrine does include our right to determine that not an inch of American territory can be bargained, sold, or given away to any European power. And as that principle is recognized in recognizing the Monroe doctrine, there can be no possibility that this would not be a subject for international dispute, and I am equally certain that if this league provision should be adopted the Senator from Pennsylvania would be among the last to say that we had surrendered that right.

## REASONS FOR CREATING BOTH A COUNCIL AND AN ASSEMBLY.

It might be well asked right here, why two distinct bodies of representatives of the several world states are provided for? I can not answer this from any inside information. I can not attempt to state what arguments were presented in its favor. I can, however, see reasons for it. We may very properly divide the nations of the world into two general classes: First, the great and powerful nations; second, the weak and less powerful nations. We may reclassify them again into the stable and reliable and the unstable and unreliable nations. And when we have so classified the second time we will find that for the most part the great and powerful are also the stable and reliable nations. These nations, therefore, must be the very backbone of this league. The erratic, quarrelsome, though more numerous small states of Europe on the Asiatic borderlands and the revolutionary republics of South and Central America, where one autocrat succeeds another as regularly as the ebb and flow of the tides, must not exercise such a preponderating influence or voting power as shall overrule the saner policies of the truly self-governing nations on whose power and judgment the world must rely for any advancement toward the goal of world peace. And so these nine great nations are specifically named as member nations of the council.

Had there been no war the framers of this instrument would undoubtedly have limited the membership in the council to the powerful and stable governments only. But the heroism displayed and awful sufferings endured by some of the smaller nations, like Belgium and Greece, together with the fact that they were parties to this war, seemed to those who drafted the league to entitle them to a membership in the council. These framers were compelled to conform the instrument to meet the very many conditions which faced them. They could not be expected to be more logical than were the framers of our Constitution when they gave the tiny Colonies the same power in the Government as the mighty and destined-to-become-more-mighty States of the Union. All that we can be sure of is that the instrument comes to us as a compromise, and in it is the soul of a future world freedom. It is within our power to strangle the body but the soul will live and ever seek reembodiment in some future international organization.

But as the council could only embrace these nine nations, it was most proper that there should be some forum where the voice of each and every other nation could be heard, and to meet that requirement the assembly as a distinct body was provided for. In its chamber the small and the great meet on equal footing and the woes and wrongs of any country, no matter how backward or unstable its people, may receive consideration.

LINE OF DEMARKATION BETWEEN JURISDICTION OF COUNCIL AND ASSEMBLY  
NOT CLEARLY DEFINED.

Mr. President, I regret that there is not a more definite line of demarkation between the powers and duties of these two bodies, the council and assembly. Much confusion, I think, has arisen because of that weakness and much opportunity afforded to misrepresent the voting power of each nation. Article 3 of the proposed compact creates the assembly, a body in which all the nations constituting the league are represented.

Article 4 creates the council, in which the nine leading nations of the world are represented. The third paragraph of article 3 declares:

The assembly may deal in its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

The fourth paragraph of article 4 declares:

The council may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

The wording is the same in each case. It is well to understand, however, that the word "deal" as used in each paragraph does not carry with it the right to make binding judgment by either the council or the assembly. How either party may "deal" with the question is limited and defined in other sections of the instrument itself.

#### COUNCIL AND NOT ASSEMBLY HAS ORIGINAL JURISDICTION OF DISPUTES.

Let us not forget that the council and not the assembly has original jurisdiction in the matter of international disputes. Article 12 declares:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or an inquiry by the council.

Not by the assembly. Therefore, while the assembly may discuss any matter brought before it, any dispute likely to lead to war—and that is all the word "deal" means so far as the assembly is concerned—the submission of the dispute must in the first instance be to the council and not to the assembly. It may be removed to the assembly under certain conditions under another provision of the instrument which I shall consider in a moment.

It will next be observed that each nation under the provisions of article 12 has the unquestioned right to determine whether it will submit the matter to arbitration or simply for inquiry. Of course, no nation will submit to arbitration any matter which affects its authority over its domestic relations. Therefore if there was nothing more in the instrument said about domestic questions there is no possible way by which the council could obtain jurisdiction over the domestic affairs of any country except through the consent of that country. But to make it doubly clear that purely domestic questions are not subject to its jurisdiction, provision is made that the council shall make no recommendation as to such questions. Therefore no non-justiciable questions will ever come before either the council or the assembly for any final decision without the free and full consent of the nation itself. If a nation, however, submits a justiciable dispute—that is, a dispute that does not involve its sovereignty or domestic right—it is, of course, in honor bound to conform to the decision.

But under article 13 each member of the league agrees that where diplomacy fails it will submit a question which it recognizes to be justifiable to arbitration and others to inquiry. Of course, therefore, it must itself recognize the question to be justifiable. If it does not, it is only submitted for inquiry. What then happens in case the question is submitted to inquiry only? Well, the first thing the council does is to endeavor to

effect a settlement of such dispute. And if its efforts are successful it will make a public statement giving such facts and explanations regarding the dispute and the terms of settlement as the council may deem appropriate.

If the dispute is not settled the council shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard to it. That is the extent of its power. If the award is unanimously agreed to by the members of the council other than the representatives of the disputing parties, these disputants agree by entering the league that they will not go to war with any party to the dispute which complies with the recommendation of the council. But this is only binding upon them in case the report is unanimously agreed to by all the members of the council except the disputants.

If the report is not unanimously agreed to by the members other than the disputants, then the members of the league—and here we get back to the members of the league, and not the council—reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. What is the meaning of that? It simply means that in such case the council has failed to bring about the reconciliation, and all members of the league, not the council or the assembly, but members of the league, may consider the matter and attempt a reconciliation outside the council.

Mr. President, most jealously has each nation guarded against the possibility of any real danger to its independence and sovereignty. But those who are fearful of some hidden danger in the possible removal of the question from the council to the assembly should read the ninth paragraph of article 15, which provides:

In any case referred to the assembly all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly.

Now, what are the provisions of article 12 which shall apply? Simply those I have enumerated, that they will submit either to arbitration or inquiry any dispute likely to lead to a rupture, and that they will in no case resort to war until three months after the award by the arbitrators or the report of the council, and that under article 15 the endeavor to secure a settlement will be as just stated. The only modification is this:

*Provided*, That a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all members thereof other than the representatives of one or more of the parties to the dispute.

Nothing is granted in the action of the assembly that is not granted and circumscribed in the provision relating to the settlement of disputes by the council. In other words, when the matter goes to the assembly, all the nations agree to do is either to submit their matter to arbitration or to inquiry. If they submit it to arbitration, it is of their own volition; if they submit it to inquiry only, a report of the facts is made, and it is assumed that the report will bring about a reconciliation. If it does not bring about a reconciliation in

the assembly, then, as suggested, it must hark back to the league itself. When the council or the assembly fails the several members of the league reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. (Art. 15, par. 6.)

I am not here attempting to say that this is the best scheme, because I do not think that in any case these final important decisions should be removed from the council. But I am simply trying to ascertain what the scheme means.

Mr. President, in 20 years' service in the Senate I have known but one instrument whose terms have been so willfully misinterpreted and so grossly misrepresented as the covenant for a league of nations. That some of it is vague I know, and some portions objectionable from particular viewpoints may be freely admitted, but that it discriminates against us, is unfair in its treatment of our country, or that it imposes upon us any obligation or burden that is not equally borne by every other nation, I most emphatically deny. It is regrettable that the mighty power of eloquence, a power that often overthrows reason and sets the emotions afloat upon painted wings that dazzle and mislead, is used to defame and distort the true meaning of an instrument, the most important that ever appealed to the heart or the soul of man.

#### EFFECT OF REFUSAL TO JOIN.

Suppose we now refuse to join with the rest of the world in some scheme to prevent war, what will happen? Mr. President, as surely as the sun shall rise every great nation of the world will proceed to devise means for the wholesale destruction of nations. The nation which is most learned, most thorough, and assiduous will take the lead in this nefarious design to manufacture gas bombs that will wipe out of existence in a single night raid New York or London or Paris or Berlin. The science of both aircraft and chemistry for war purposes is at present only in its experimental stage. The old glory of noble and honorable battle will give way to the evil necromancy of chemistry, to insidious germ-producing poisons. Even since the date of the signing of the armistice last November we have perfected flying machines ten times more powerful than those used during the greater part of this war. I am credibly informed that we now have in fair prospect of completion bombs which, if dropped by a single fleet over a great city like New York or London, would, not by mere explosions or fire but by poisonous and insidious gases, destroy all life in such city. The nations first and foremost in the invention of such satanic methods will be triumphant over the nations whose hearts rebel against such hideous purposes. Though the civilized world was against Germany in this war that country, through her preparedness and her plodding study of death-dealing devices, destroyed two lives to offset every German killed in battle. Her development of the U-boat enabled her to sink 50 tons of enemy shipping for every ton sunk by all of her enemies. It enabled her to send to the bottom of the ocean 404 warships with a loss of only 216 of her own warships. It enabled her to destroy the property of civilians of the value of fully \$25,000,000,000 without the loss of a dollar's worth of her own property.

So desperate will be the next war that all the hate and all the venom created by this struggle will be infinitesimal compared with the next. Nations now wounded and bleeding, struggling with desperate effort to build up their industries, must so live and so slave as to be able to devote the greater part of their energies in creating implements of war for their own safety.

And against what races will all these weapons of death be used? Against the great white race. We talk about the yellow peril. Mr. President, the greatest peril to the white race of the world is the peril of internecine war. If there is to be no check to wrong or crime by nations, all the yellow race need to do is to wait in patience and bide its time; the white race will accomplish its own extinction.

Mr. President, some of the policies of the present administration followed during this war have grated most harshly upon my ideas of national policies, and I have opposed some of the measures recommended by the President. But, partisan as I admit I am, strong as my conviction of party fealty, I hope I shall never be so hidebound by partisanship or so governed by party exigency as to fail to recognize a just position taken or a truth declared by a member of any opposing party. In supporting a league of nations after this war, a league recommended by Republican leaders before this great death struggle and by Republican statesmen since, President Wilson has but followed the pathway blazed by the greatest American counsellors, Republican as well as Democratic; and no matter how earnestly or how justly we may disagree with the domestic policies of his administration, no words were ever more truly spoken by any President than that sentence in President Wilson's address on Decoration Day in France when he said:

It is for us, particularly for us who are civilized, to use our proper weapons of counsel and agreement, that there never is such a war again.

Mr. President, I am not the mold of my brother's convictions nor the keeper of his conscience, but speaking for myself as just one American citizen, I could not cast my vote against any reasonable agreement to secure future world peace without a conviction that would follow me to the grave, that I had committed an unpardonable offense against all future generations.

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